

COMMISSIONERS APPROVAL

LUND *BCP*

THOMPSON *AT*

CHILCOTT *og*

TAYLOR (Clerk & Recorder)

Date.....February 1, 2006

Members Commissioner Greg Chilcott, Commissioner Alan Thompson, and Commissioner Betty Lund

Minutes: Sally Fortino, Glenda Wiles

The Board met with Clerk and Recorder Nedra Taylor and Elections Administrator Regina Wilson.

Nedra submitted information on recording equipment.

Regina said polling place surveys are scheduled for February 21st and 22nd. Polling places have to meet certain criteria for accessibility. She would like to apply for a grant to cover the cost of floor coverings in polling places, particularly Hamilton High School, where two people have fallen on the old floor coverings.

Nedra said it is much better to seek the grant than to risk the safety of the elderly and disabled.

Regina said surveys help us look at polling places in a different way. Commissioner Lund will be joining them on surveys and will be on the committee to judge grants.

Nedra said absentee voting and early voting is becoming increasingly popular. 6000+ votes were cast in last year's election. She asked if it would be possible to use the new conference room on the first floor to tabulate absentee votes each year. They would like to use the main office to store and process ballots. They would like use of the room for about six weeks prior to each election.

The group visited the conference room to determine its suitability for the purpose in question.

In other business, the Board met with Sheriff Hoffman and Under Sheriff Kevin McConnell in regard to the use of the ozone filter at the courthouse. It was noted that the ozone machines are not to be utilized during the day and the Commissioners wanted to determine if the machines are being run during the day. Sheriff Hoffman stated they are not running the ozone machines during the day, only at night. Employee Brian Jamison stated he is very sensitive to

this and both he and Bob have tightness of chest and other symptoms. They are there until late at night and very early in the morning. They have found the machine running during the day and had to unplug it. Brian stated they visited with the Contractor, Earl Jones, to ascertain if an existing exhaust fan could be utilized from the electrical room. Earl has not submitted any cost estimates yet.

Sheriff Hoffman indicated they will watch the use of this machine more carefully, but when they bring marijuana into the evidence room it is important to utilize the machines, due to the odors from the evidence room.

Environmental Health Director Theresa Balzicevich said EPA has stated an ozone machine should never be utilized in an occupied building. She also stated the EPA performed the study at the courthouse and found the building suffers from low humidity, which causes respiratory problems. She also stated the use of ozone creates respiratory problems, headaches, nose bleeds and chest pains, which is similar to the problems created by low humidity.

Administrative Director Skip Rosenthal stated his concern is the safety of the employees, but he wants to avoid any work compensation claims. He has visited with Civil Counsel James McCubbin, and James has agreed the ozone machines should not be utilized.

Commissioner Chilcott asked if the materials that are brought in should be put into an airtight locker, as he does not want to have any bio-hazardous air that employees could be breathing. Sheriff Hoffman stated they bring in some materials that could be producing bio-hazardous air. However, each time he attempts to set money aside to address this issue, he needs it in another area.

Commissioner Chilcott stated they should treat the bio-hazardous materials correctly. Unpleasant odors can be treated with a hepa filter and exhaust. Sheriff Hoffman stated his main concern is the bio-hazardous materials, which include bloody and bodily fluids. He stated Deputy Clint Eckhardt works in the evidence room every day and they are attempting to help him by the use of the ozone machine during the nights. He also indicated another Deputy has a problem with the smell of marijuana as he reacts with symptoms of hay fever.

Under Sheriff McConnell stated it is possible that everything is contaminated that goes into the evidence room. Therefore, it is important to look at the whole evidence room. Sheriff Hoffman stated the materials are no longer a problem to them once it is sent to the Department of Justice and packaged. He also would like to see the marijuana housed off site, but security is expensive.

Commissioner Chilcott reiterated the need to have safe handling of any bio-hazardous materials. The other issue of air and exhaust should be a relatively simple fix. It was agreed the Sheriff should turn the ozone machine down to a lower level and watch the hours of operation. Brian will follow up with the Contractor in regard to the exhaust and air exchange issue.

The other issue addressed with the Sheriff was the orders of protection and warrant entries that are being done by the 9-1-1 Dispatchers. Now that the 9-1-1 Center is under the Commissioners, rather than the Sheriff, the question is being raised about their continuing this work. Also present was 9-1-1 Supervisor Joanna Hamilton, who stated they process well over twenty of these orders and warrants per week; monthly they handle numerous entries. They also have continued maintenance of these warrants and orders. Sheriff Hoffman stated he has asked for an entry-level clerk in the past, and his staff does not have any extra time for this work. He also stated the dispatch is open 24/7, which gives it easy access. The CJIN Terminal is the terminal that is used for the warrants and protection orders. Dispatch houses one of these terminals. Sheriff Hoffman stated the Detention Office should have two of these terminals. Commissioner Lund asked if Detention could take on this additional duty. Sheriff Hoffman stated Detention does not have the time to do this, and he would be concerned about the entry of this material, which needs to be done in a consistent manner. Joanna stated this would be a three-quarter to full-time person, due to the monthly validation. Currently the work is split between 12 or 13 dispatchers. The level of accuracy needs to be maintained, due to the officer safety and liability issue to the County.

Commissioner Chilcott stated the Board should look at the financial implications of a new hire for this position. Skip Rosenthal suggested they moderate the expense by giving the Dispatchers more compensation (or pay differential) for these existing duties. Joanna stated that although the warrants and protection orders are not a duty of the dispatchers, they do want to maintain the security and consistency. It also helps to have the 24/7 accessibility to these warrants and orders. Therefore, the Dispatchers have agreed to continue with this duty if they are compensated for their work. She also noted the state audits have gone very well, and they do not want to lose the good work that has been done.

It was agreed this issue is subject to the collective bargaining with the Dispatch unit. It was agreed Joanna and Skip should review these issues prior to bringing this up at any collective bargaining sessions.

Sheriff Hoffman also explained the memo that was presented to the Commissioners just before the first of the year relative to turning the 9-1-1 Center over to the Commissioners. He stated he would make a continual effort to help in the smooth transition of the 9-1-1 Center to the Commissioners Office. The memo 'was not meant to put the Commissioners under the gun or as a slam to the Commissioners', but he knew the dispatch bargaining language needed to be ratified, and he would be out of state for a few weeks. He will continue to help in any way he can.

In other business the Board met to discuss the road-less issue. Numerous citizens were present. Discussion included the width of the off-road vehicles and road width. A concern is that the new proposed regulations will not allow some models such as the 'Rhino', which is 60" in width. The new regulations are limiting the width to 42". One citizen stated the road widths are fine; they just do not want any of the off-road vehicles (ATV's) to be excluded from riding the old mining roads.

Another citizen stated this width issue is off-course, and they are here to talk about the road-less issue. Commissioner Thompson stated the original message from President Bush was to overturn President Clinton's road-less rule. President Bush feels this is a State issue and he wants to hear from the States. Commissioner Thompson met with the Governor on Nov 28th and expressed concern that they would not have enough time to address a precise petition that would be submitted to the Department of AG. A 60-day extension was granted and during this time, Commissioner Thompson asked the Forest Service to put together a map showing road closure and access by number. He stated he does not want to see a block of country that is closed unless there is a specific reason, such as an environmental issue. One road addressed was in the Sapphire area to Mud Lake. The Forest Service stated there is confusion as to what is a road and what is a fire line. The fire lines are not roads and therefore they do not exist, even though people have used them as roads. He stated they need to address only the roads, and what should be left open, closed or built. Commissioner Thompson stated the Governor is not interested in opening or closing. He simply wants to make sure that all citizens have an opportunity to gain access to the forest. The Governor stated the Bitterroot National Forest has 2,100 miles of road with maintenance at 700 miles.

The Commissioners will review the public comment and, prior to the end of the month will formulate a petition that addresses the roads by number. He stated they would strike a balance for the users. Commissioner Thompson stated they are not present to re-hash the issues, rather to review each road and determine if the road should be left open or should closure be allowed. He stated they should address each road number by inventory.

Mike Jeffords stated his off-road group would like to do an inventory of the roads (behind gates and trails). The problem is there is snow on the roads and they would not be able to make a good inventory. If given enough time, they could do a very thorough inventory. The Forest Service stated when they put a gate up there is no road. Mike stated they want to utilize GPS and also ascertain if the roads can be looped. Commissioner Thompson stated he asked for an extension of time, and the Governor replied that he would not allow any more time due to his time frame. Other Counties requested more time, but only 60 days were granted. Commissioner Thompson stated he does not think the Governor will be receptive to any extension of time, as his staff needs time to put their petition together from the 56 counties.

Commissioner Thompson stated there is a possibility of constructing new roads for purposes of resource extraction. When the resources are extracted, the roads will then be closed. Mike stated the Forest Service has stated those roads will be closed when the resources are extracted. They do not want permission to go into those areas, just to continue to utilize what they have been using.

Larry Campbell asked if there was a working definition of a road or a trail. He asked what happens when the off-road vehicles become so wide they are the same width as a Jeep.

Kirk Thompson stated the Forest Service does have definitions of roads and trails. He stated Commissioner Thompson made it clear that Bush is addressing existing roads for the ability to keep them open or to close them. He stated the issue is where they allow vehicles to go,

versus constructing new roads. The Forest Service has little plans to build new roads in road-less or road land base. There will be some new roads needed in the roaded land base for purposes of resource extraction. Some of these roads will be permanent and some will be temporary.

Commissioner Chilcott stated they are hearing that most do not want anything new, but to keep what we have. He stated it is important to give the Governor what he has asked for, so this County's input is not 'thrown in the trash'.

Kirk stated he understands the Governor is asking for areas in the inventoried areas where a new road is needed, and if so, where specifically, what it will cost, and what the benefits are.

Kathleen Driscoll asked how the report is to be written and does it allow any flexibility in identifying the roads before the November cut off date. Commissioner Chilcott stated the Governor is not willing to entertain this. Kathleen reiterated how they can be flexible in their report. Commissioner Thompson stated it is difficult to review these roads due to the inclement weather and snow load. While he applauds the President for allowing the local communities to overturn the Clinton rule, this is not an easy task with such a short time to address it.

Dan Thompson stated there is confusion about the timber harvest being done in back country and road-less areas. While roads can be built for resource extraction, they are not done. Kirk stated the new proposed forest plan would make some changes in the road construction issues, allowing roads for logging in the road-less area.

Larry Campbell stated they have been logging the road-less areas, but there has not been a road built in the forest for a long time. They are able to carry on timber sale without building the roads. Road building is cost-prohibitive and it is cheaper to have a helicopter performing the work. He felt no new roads are needed.

Commissioner Thompson stated he received specific requests: Meadow Creek Road in Sula should be opened, Mud Creek, Blue Joint, Saw Mill Gulch and other specific number trails. Other people who want quiet use ask to close road number 1-4. He stated the Commissioners need specifics, with road names and numbers addressed.

A member of the Off-road Users Association stated they have an inventory of the roads that are open to off highway users. Some are only 2/10th of a mile long but some are longer. They will study that list and visit the roads, giving feedback to the Forest Service. There are over 400 of these roads, and they would like these to continue to be utilized as trails.

Kirk stated if the Forest Service has it inventoried as a road it is not in the road-less area. Kirk stated there are 435 roads. Dan stated the snowmobilers utilize the firebreak roads.

Discussion included the sustainable lands and logging within the Forest Service. Currently 30% of those sustainable lands have access. In the 1960's 30-40 million board feet were logged. Currently they only log 2.5 million board feet. The 1908 bill (also called the 25%

fund) allowed those monies to be utilized as $\frac{2}{3}$ rd to schools and $\frac{1}{3}$ rd to roads. Now there is hardly any resource extraction, so not much money is coming in. Rocky Mountain Log homes purchase their lumber in Canada. Some people are happy that we are not in the forest creating roads, but it cuts down on the county's money, creating a negative impact on our local education and roads. Commissioner Thompson stated his discussion with the Governor included the tourism that Montana touts in order to generate money. He stated if we support tourism, then we should support everyone who wants to recreate, which includes the off road highway users.

Larry Campbell asked if the 25% fund is 'fixed these days' so it is no longer tied to timber extraction. Commissioner Thompson stated it still has somewhat of a link; the legislation changed 5 years ago through a Secure Schools Act. The counties could accept the 25% fund or a stabilized fund, take the three highest years for several decades and utilize that. The stabilized fund locked you in for 6 years, but it ends next year. This legislation has worked as proposed, but the administration is not advocating for its renewal, due to cost. Next month, Commissioner Thompson goes to Washington D.C. to address this. After the fires, the county assumed the 714 million board feet would be harvested. Ravalli County went with the stabilized fund, which gave our budget \$360,000. And that was good because the Forest Service did not allow any harvest of the burned timber. Out of \$360,000.00 15% went to RAC; then the $\frac{2}{3}$ and $\frac{1}{3}$ rd split. After next year we go back to the 1908 legislation, which will be the 25% fund, which will be around \$25,000.00.

Kirk stated in all fairness they need to address the PILT, which has actually gone up.

Commissioner Thompson suggested they sit down and go road by road. Commissioner Thompson will obtain the overlay from the Forest Service, which will show each road.

In other business, Commissioner Chilcott attended a MR TMA meeting during the afternoon hours in Missoula.